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January 19, 2006

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
Portals II, Filing Counter TW-A325
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Communication in GC Docket No. 05-231

Dear Ms. Dortch:

On January 18, 2006, Vince Curtis and the undersigned of Fletcher, Heald & Hildreth met with Heather Dixon of the Chairman's Office to discuss closed captioning in the above referenced docket. A copy of the enclosure was distributed at the meeting and we discussed the items listed on the enclosure.

Please direct any questions regarding this matter to the undersigned.

Sincerely,

Joseph M. Di Scipio

Joseph M. Di Scipio
Counsel for Local Market Broadcasters

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SUMMARY OF LOCAL MARKET BROADCASTERS REPLY COMMENTS

Request

- ▶ The Commission should categorically exempt locally produced religious and public service programs from closed captioning by either:
 - ▶ A clarification in the upcoming Order stating that such programming is included under the existing locally produced and distributed non-news programming with no repeat value exemption (47 C.F.R. §79.1(d)(8); or
 - ▶ A separate exemption created specifically for this and other non-commercial and public service programming.
- ▶ The use of the Electronic Newsroom Technique (ENT) should continue to count as meeting the 100% captioning requirement for all stations in the 26+ markets (and for non-Big 4 network stations in the top 25 markets).
- ▶ ENT should continue to count as the functional equivalent of the audio portion of the programming even though live field reports, late-breaking news, weather, and sports may not be captioned. In other words, non-Big 4 network stations not in the top 25 markets should be able to continue to permanently rely on ENT and not have to caption live news remotes and late-breaking news.

Consequences

- ▣ Stations will stop accepting and broadcasting locally produced church programming and religious services because neither the churches nor the stations can afford the cost of captioning. A large outcry from the religious community (which will resonate on the Hill) is likely.
- ▣ Stations are likely to greatly reduce, if not eliminate, live field/remote reports due to the prohibitive costs of live captioning.
- ▣ Either of these results is harmful to localism and would not serve the over all public interest – the public interest that stations strive to meet and which the Commission is charged with upholding.